



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAY 30 2013

Mr. Paul Brzozowski
Remediation Manager
Tierra Solutions, Inc.
Two Tower Center Boulevard, 10th Floor
East Brunswick, New Jersey 08816

Re: Diamond Alkali Superfund Site, Lower Passaic River Study Area
Administrative Order on Consent, Index No. CERCLA 02-2011-2016
Bill for Collection No. 2721326S0032

Dear Mr. Brzozowski:

The United States Environmental Protection Agency (EPA) is charged with responding to the release or threatened release of hazardous substances into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. Section 9601 et seq. EPA has documented the release or threat of release of hazardous substances into the Lower Passaic River Study Area portion of the Diamond Alkali Superfund Site. In response to the release or threatened release of hazardous substances, EPA has spent, and will continue to spend, public funds on actions to investigate and control such releases and threatened releases at the site pursuant to Section 104 of CERCLA.

On October 4, 2011, EPA entered into an Administrative Order on Consent (Order), Index No. CERCLA 02-2011-2016, with Occidental Chemical Corporation (OCC) for the performance of the Combined Sewer Overflow/Storm Water Outfall (CSO-SWO) Investigation. Pursuant to Paragraph 91(a) of this Order, OCC agreed to reimburse EPA for all Future Response Costs, as defined in the Order, incurred by EPA in connection with the CSO-SWO Investigation.

This Bill for Collection No. 2721326S0032 covers the period from April 1, 2011 through August 31, 2012.

Enclosure A to the Bill for Collection is a narrative statement describing EPA's oversight and response costs. Enclosure B consists of four itemized cost summaries, referred to as Superfund Cost Recovery Package Imaging and On-Line System (SCORPIOS) reports for the Diamond Alkali Site, site identification number 02 96, Operable Unit (OU) 00 and OU 02 CSO-SWO. Each OU has two SCORPIOS reports: one dated 9/1/10 through 6/30/11 to cover the period from 4/1/11 through 6/30/11 and the other dated 7/1/11 through 8/31/12. For the purposes of the SCORPIOS report, OU 02 CSO-SWO represents the CSO-SWO Investigation. Some personnel charged their time to OU00 to represent time spent equally on all OUs, so that OU00 costs have been apportioned among all OUs, as described in the enclosure. While all OU 00 charges are

included in the SCORPIOS reports for OU 00 that appear in Enclosure B, this Bill for Collection includes only those costs that EPA has apportioned to the CSO-SWO Investigation. Also, for the SCORPIOS reports dated 9/1/10 through 6/30/11, only those costs incurred during the period 4/1/11 through 6/30/11 are included in this Bill for Collection.

EPA certifies that as of August 31, 2012, it has expended at least \$81,568.21 in oversight and response costs relating to the CSO-SWO Investigation.

As per Section XVIII 91.a. of the Order, payment shall be made within thirty (30) days of receipt of this letter.

To effect payment via electronic funds transfer (EFT), you should instruct your bank to remit payment in the required amount to EPA using the following information:

- Amount of payment: **\$ 81,568.21**
- EFT to be directed to: **Federal Reserve Bank of New York**
- Bank routing number: **021030004**
- Bank account number receiving payment: **68010727**
- SWIFT address: **FRNYUS33**
- Address: **Federal Reserve Bank of New York**
33 Liberty Street
New York, NY 10045
- Field Tag 4200 of the Fedwire message to read:
D 68010727 Environmental Protection Agency
- Name of remitter: **Occidental Chemical Corporation**
- Case Number: **CERCLA 02-2011-2016**
- Site Name: **Diamond Alkali**
- Site/Spill Identifier: **02-96**

To ensure that your payment is properly recorded, you should send an e-mail or a letter, within one week of the EFT, which references the date of the EFT, the payment amount, the name of the Site, the site number, and your name and address to:

Alice Yeh, Remedial Project Manager
Emergency & Remedial Response Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 19th floor
New York, New York 10007-1866
E-mail: yeh.alice@epa.gov

and

Patricia Hick, Assistant Regional Counsel
Office of Regional Counsel

U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th floor
New York, New York 10007-1866
E-mail: hick.patricia@epa.gov

and

Richard Rice
U.S. Environmental Protection Agency
26 W. Martin Luther King Drive
Attention: FINANCE
MS: NWD
Cincinnati, Ohio 45268
E-mail (to both): rice.richard@epa.gov and AcctsReceivable.CINWD@epa.gov

The United States reserves its rights to recover any costs incurred during the time period covered by this accounting but not included in this billing, and all other oversight and response costs incurred pursuant to the Administrative Order on Consent.

EPA reaffirms its commitment to conduct appropriate and cost-effective oversight of work performed by consenting parties while ensuring protective cleanups. To this end, EPA would once again like to offer to discuss with you its plans for the oversight of ongoing work at the Site, and to provide you with the opportunity to suggest ways to effectively streamline the work and its oversight.

If you have any questions regarding this matter, please contact Alice Yeh at (212) 637-4427. Legal inquiries should be directed to Patricia Hick at (212) 637-3137. Thank you for your prompt attention to this matter.

Sincerely yours,



Ray Basso, Lower Passaic River Project Director
Emergency & Remedial Response Division

Enclosures

cc: Carol Dinkins, Esq

ENCLOSURE A

Summary of Costs Incurred by EPA

04/01/11 through 08/31/12

Diamond Alkali Superfund Site, Newark, New Jersey

Operable Unit Two – Combined Sewer Overflow/Stormwater Outfall (CSO-SWO) Investigation

Site ID: 02 96

OU02 CSO-SWO:

Payroll from OU02 CSO-SWO:

These costs consist of direct EPA personnel charges for time spent by EPA employees in overseeing work performed under the Administrative Order on Consent, Index No. CERCLA-02-2011-2016 ("this AOC"), including review of technical submissions, meetings and/or conferring with OCC representatives, internal meetings and conferences concerning the CSO-SWO Investigation, community relations/outreach and coordination with Partner Agencies. See enclosed Payroll Section 3 (for 7/1/11-8/31/12) and Payroll Sections 3 and 4 (for 4/1/11-6/30/11) of EPA's Itemized Cost Summary.

02 96 OU2 for 7/1/11-8/31/12 (\$8,375.87) + for 4/1/11-6/30/11 (\$1,499.80)	\$ 9,875.67
--	-------------

Other Expenditures from OU02 CSO-SWO:

These costs consist of charges for contractor support for file storage and maintenance by GRB Environmental Services, Inc. for OU 002 CSO-SWO for the period 4/1/11-6/30/11 only.

02 96 OU2 for 4/1/11-6/30/11 (\$4,412.71)	\$ 4,412.71
---	-------------

Interagency Agreement (IAG) from OU02 CSO-SWO:

These costs consist of technical support by the U.S. Army Corps of Engineers, Kansas City, for oversight of work performed under this AOC. A portion of the costs included in IAG DW96942125 Voucher Numbers 27057590, 27057906, 27058295, and 27058690 (Enclosure C) and IAG DW96941975 Voucher Numbers 27053998, 27054396, 27054802, 27055228, 27055748 (Enclosure D) are related to oversight of the CSO-SWO investigation.

02 96 OU2 for 7/1/11-8/31/12 (\$22,317) + for 4/1/11-6/30/11 (\$21,582.28)	\$ 43,899.28
---	--------------

<i>Subtotal Direct Costs from OU02 CSO-SWO:</i>	<i>\$ 58,187.66</i>
---	---------------------

Indirect Costs from OU02:

Indirect costs are those costs which are necessary to the operation of the Superfund program and the support of site cleanup efforts, but which cannot be tied directly to the efforts at any one site. Indirect costs are allocated to particular Superfund sites by means of a methodology established by EPA Headquarters. Note that while Payroll and Other Expenditures from OU2 for the period 4/1/11 to 6/30/11 are reflected in the SCORPIOS report dated 9/1/10-6/30/11 (which has an indirect rate of 26.57%), IAG costs from OU2 for the period 4/1/11 to 6/30/11 were not billed to EPA until several months later so that they are reflected in the SCORPIOS report dated 7/1/11-8/31/12 (which has an indirect rate of 33.08%).

02 96 OU2 for 7/1/11-8/31/12 $[(\$8,375.87 + \$22,317) * 33.08\%]$ +
for 4/1/11-6/30/11 Payroll and Other Expenditures $[(\$1,499.80 + \$4,412.71) * 26.57\%]$
for 4/1/11-6/30/11 IAG $(\$21,582.28 * 33.08\%)$
\$ 18,863.57

Subtotal Costs from OU02: \$ 77,051.23

OU 00

Payroll and associated Indirect Costs from OU 00:

The OU 00 SCORPIOS reports for the period 7/1/11-8/31/12 include payroll and associated indirect costs for OU 01, OU 02 (OCC/TSI Removal and CSO-SWO Investigation), OU 03 (EPA lead activities, CPG-lead Removal and CPG-lead RI/FS) and OU 04. Therefore, these costs were divided evenly among the seven components.

The OU 00 SCORPIOS reports for the period 4/1/11-6/30/11 include payroll and associated indirect costs for OU 01, OU 02 (OCC/TSI Removal and CSO-SWO Investigation), OU 03 (EPA lead activities and CPG-lead RI/FS) and OU 04. Therefore, these costs were divided evenly among the six components.

02 96 OU0 for 7/1/11-8/31/12 $[(\$13,741.03 \text{ payroll} + \$4,545.53 \text{ indirect}) \text{ divided by } 7] +$
for 4/1/11-6/30/11 $[(\$ 4,043.78 \text{ payroll} + \$1,074.43 \text{ indirect}) \text{ divided by } 6]$
\$ 3,465.40

Other Expenditures and associated Indirect Costs from OU00:

These costs consist of charges for the period 7/1/11-8/31/12 for contractor support for file storage and maintenance by GRB Environmental Services, Inc. for OU 01, OU 02 (OCC/TSI Removal and CSO-SWO Investigation), OU 03 (EPA lead activities, CPG-lead Removal and CPG-lead RI/FS) and OU 04. Therefore, these costs were divided evenly among the seven components.

These costs consist of charges for the period 4/1/11-6/30/11 for contractor support for file storage and maintenance by GRB Environmental Services, Inc. for OU 01, OU 02 (OCC/TSI Removal and CSO-SWO Investigation), OU 03 (EPA lead activities and CPG-lead RI/FS) and OU 04. Therefore, these costs were divided evenly among the six components.

02 96 OU0 for 7/1/11-8/31/12 [(\$4,981.90 direct + \$1,648.02 indirect) divided by 7] +
for 4/1/11-6/30/11 [\$ 495.12 direct + \$ 131.55 indirect) divided by 6]
\$ 1,051.58

OU 00 costs not associated with this bill:

“Systems Research & Applications Corp” charges for contractor support for Community Advisory Group (CAG) facilitation, “State Cooperative Agreement” costs for oversight and support provided by the New Jersey Department of Environmental Protection under a cooperative agreement with EPA and “Technical Assistance Grant” costs related to the Passaic River Coalition grant were not related to work performed under this AOC.

Subtotal Costs from OU00: \$ 4,516.98

Bill for Collection Amount		\$ 77,051.23
	Plus	<u>\$ 4,516.98</u>
		\$ 81,568.21